In re PATENT Application of:	Confirmation No.: 6319
PERHOLTZ, Ronald J.	Attorney Docket: 2540-0550·
Appl. S.N.: 10/032,325	Group Art Unit: 2145
Filing Date: March 4, 2002	Examiner: CARDONE, Jason D.
Title: SYSTEM AND METHOD FOR REMOTE MONITORING AND OPERATION OF PERSONAL COMPUTERS	Date: October 30, 2005

DECLARATION OF JOSEPH C. MCALEXANDER III UNDER 37 C.F.R. § 1.132

I, Joseph C. McAlexander [III], hereby declare as follows:

1.   I have been asked by counsel for the assignee of the above-referenced application to provide my analysis and opinions regarding certain matters raised by the March 31, 2005 · Office Action. Specifically, I have been asked to assess applicants' response to the written description rejections raised in that Office Action. Applicants' response was filed on September 30, 2005.

I.   QUALIFICATIONS

2.   I am a registered Professional Engineer and hold a Bachelor of Science degree in Electrical Engineering from North Carolina State University. I have been associated with the electronics and integrated circuit industries as a designer and consultant for the last 33 years and have been awarded seventeen U.S. Patents and a number of foreign patents for my contributions. A more detailed account of my work experience and other qualifications is listed in my curriculum Vitae attached as Exhibit A to this declaration.

II. BASIS OF OPINIONS FORMED

3. In preparing this declaration, I have reviewed and considered U.S. Patent No. 5,732,212 ("the '212 patent") which is the basis of the present reissue application, the March 31, 2005 Office Action, and applicants' September 30, 2005 Response. I have also relied on my education, experience, and knowledge of basic engineering practices in the industry as well as my understanding of the applicable legal principles describe below. My opinions are based in part on study of those documents, materials, knowledge and experience.

III. LEVEL OF ORDINARY SKILL IN THE ART

4. I understand that factors such as the education level of those working the field, the sophistication of the technology, the types of problems encountered in the art, prior art solutions to those problems, and the speed at which innovations are made may establish the level of skill in the art. In my opinion, a person of ordinary skill in the art at the time the present invention was made would have a bachelors degree in electrical engineering, or the equivalent education, with about 5 years of technical experience in component design or integration of components into systems relating to the transmission, reception, coding/decoding, formatting/reformatting of computer signals.

IV. APPLICABLE LEGAL STANDARDS

5. I understand that the written description requirement is satisfied when the specification conveys, with reasonable clarity, to those skilled in the art, that, as of the filing date, the applicant was in possession of the claimed subject matter. How the specification accomplishes this is not material. Moreover, I understand that the specification does not need to

set forth the details of descriptions or procedures that are obvious to one of ordinary skill in the art.

6.   I also understand that the exact words used in the claim do not have to appear in the specification in order to satisfy the written description requirement. In fact, it is my understanding that the failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize, upon reading the specification, that the new language reflects what the specification shows has been invented.

V.   OPINIONS REGARDING THE WRITTEN DESCRIPTION REQUIREMENT FOR APPLICATION CLAIMS 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 AND 193-210

7.   Based on the foregoing, it is my opinion that elements of claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-210, identified in the March 31, 2005 Office Action, do reflect what the specification shows has been invented and thus the written description requirement is met. It is further my opinion that the specification conveys, with reasonable clarity, that, as of the filing date, the applicant was in possession of the claimed subject matter. In the September 30, 2005 Response, applicants' cited to various portions of the '212 patent's specification as support for their argument that the '212 specification describes the claim elements identified in the Office Action. I have conducted my own review of the Office Action and the Applicants' Response. Based on that review, in conjunction with the legal standards identified above, I agree with the applicants that the '212 patent specification adequately describes those claim elements, satisfying the written description requirement.

8.   The following paragraphs provide the written description support for each of the elements and limitations identified in the Office Action as having failed to comply with the

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written description requirement. These are the same portions of the specification identified in the September 30, 2005 Response.

> **Claim 123: "operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection."**

9.   The Office Action states that "[t]he specification discloses the pop up menu but does not disclose pop-up screen causes the remote site to terminate the first connection and to establish a second connection." But this misapprehends the limitation that is the subject of the rejection. The claim states that "operation of the remote input device" in response to the menu causes the termination of the first connection and establishment of the second connection. This is different from the menu causing the termination and establishment of connections. Written description support for this limitation appears, for example, at cols. 49:64-50:2; 44:22-29; 44:1-2; and Figs. 1 and 7. These passages and associated figures show how a menu prompts a user to switch to a new host site by, inter alia, terminating the first connection to the first host site and establishing a second connection to a second host site.

> **Claim 136: "a remote access facility"**

10.   Written description support for this limitation appears, for example, at cols. 11:34-37; 12:40-53; 12:54-13:4; and Fig. 1. The cited portions of the specification describe how the remote access facility can be, for example, a combination of hardware and software.

> **Claim 136: "non-dedicated" channel**

11.   Written description support for this limitation appears, for example, at cols. 6:6-14; 6:26-37; 6:54-57; 10:34-40; 11:34-37 and Fig. 1. The cited portions of the specification describe a dedicated channel as one that is capable of only carrying data between a Remote PC

and a Host Unit. The specification gives preferred examples of non-dedicated channels such as telephone lines or any other communications network.

Claims 157 and 160: a "reset operation"

12.   Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The cited portions of the specification describe, inter alia, a preferred implementation of a reset operation as one in which the AC power is interrupted to a Host PC causing the Host PC to perform a cold boot.

Claims 157 and 160: a "reset command"

13.   Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The specification describes how the selection of a menu option causes a command to be received by a Host Unit, which in turn interrupts AC power to a Host PC.

Claim 165: "packetize"

14.   Written description support for this limitation appears, for example, at cols. 17:12-19; 17:53-56; 26:15-45; 32:60-33:8; 53:52-54:35; 55:7-31; and Fig. 8. These passages, and the associated figures, describe, *inter alia*, how analog video signals which have been digitized are sent as packets to the remote PC.

Claim 169: "target" computer

15.   Claim 169 recites "[a] system for controlling a target computer from a remote workstation of the type that includes a remote keyboard, a mouse, and a monitor, . . ." Thus, the context of the claim itself makes it clear that the "target" computer is one of the various Host PCs disclosed throughout the specification as part of the preferred embodiments. Figure 1 shows

this arrangement graphically. The remote workstation corresponds to components at the remote site of Figure 1. One of the principle purposes of the present application is the ability to control a computer from a remote workstation. Thus, referring to the embodiment shown in Figure 1, the "target" computer would be one of the Host PCs 10, 16 or 20.

Claim 169: "video digitizer"

16.   Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "video digitizer"

17.   Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "synchronize detect circuit"

18.   Written description support for this limitation appears, for example, at cols. 23:1-10; 29:57-30:17 and Figs. 4A and 4P. This circuitry detects vertical and horizontal synchronize signals from an analog video signal.

Claim 177: "clocking rate"

19.   Written description support for this limitation appears, for example, at cols. 22:15-30; 22:56-61; 29:28-56; 40:9-43:67; and Figs. 4A, 4O, and 6. These passages describe how, in a preferred embodiment, the Video CPU corresponds to the microprocessor that

determines a clocking rate used to sample the analog video signals. The Figure 4O circuitry

corresponds to one embodiment of the clock signal generator that produces a clock signal.

Claim 177: "converter"

20. Written description support for this limitation appears, for example, at cols.

12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H,

and 4K. The specification explains how circuitry in the Host Unit can convert analog video

signals to digitized video signals/information.

Claim 186: "network access device"

21. In part, claim 186 recites a system in which a "network access device" interfaces

with a network that includes a plurality of computer processors and a selected computer. The

selected computer is a computer that will receive keyboard signals and generate video signals.

The selected computer is one that is listed on a menu of a video monitor associated with the

keyboard signals. Thus, the full context of claim 186 makes it clear that a preferred

implementation of the "network access device" is a Host Unit 8. Written description support for

this limitation appears, for example, at cols. 5:67-6:2; 6:15-19; 6:26-37; 7:42-47; 11:43-50;

44:22-29; 49:58-50:14; and Fig. 1.

Claim 193: "hardware host unit"

22. In part, claim 193 recites a "hardware host unit" coupled to a host computer that is

different from the hardware host unit. In one of the preferred embodiments, this hardware host

unit is Host Unit 8, 13, or 18. Each such Host Unit is a hardware host unit that is coupled to a

host computer (*i.e.*, Host PC 10, 16, or 20, respectively). Written description support for this

limitation appears, for example, at cols.5:17-23; 5:42-58; and Fig. 1.

Claim 193: "remote computer software utility"

23.   In part, claim 193 recites a "remote computer software utility" located at a remote

site computer. In one preferred embodiment, this software utility corresponds to a set of

software operating on a Remote PC 2. Written description support for this limitation appears, for

example, at cols. 5:17-23; 6:6-14; 6:54-57; 7:7-9; 44:12-29; and Figs. 1 and 7A.

Claim 194: "converter"

24.   Written description support for this limitation appears, for example, at cols.

12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H,

and 4K. The specification explains how circuitry in the Host Unit can convert analog video

signals to digitized video signals/information.

Claim 204: video raster signal "independently"

25.   In part, claim 204 recites a method step of converting a video raster signal into a

digital signal, where the converting step occurs "independently" of the data processing device

that generated the video raster signal. In a preferred embodiment described in the specification,

the Host Unit 8, 13, and 18 perform such a conversion step independently of the Host PCs 10,

16, and 20. Written description support for this limitation appears, for example, at cols. 12:54-

13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K.

VI.   CONCLUSION

26.   I hereby declare that all statements made herein of my own knowledge are true

and that all statements made on information and belief are believed to be true; and further that

these statements were made with the knowledge that willful false statements and the like so

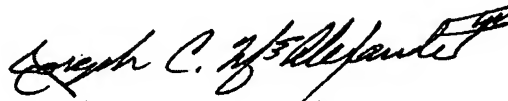made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the

application or any patent issued thereon.

Date: October 30, 2005

Joseph C. McAlexander III